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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 09/757,547 | 01/10/2001 | Kenichi Suzuki | 450100-02931 | 9718 |
| 20999 | 7590 | 12/15/2003 | | EXAMINER |
| FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | ORTIZ CRIADO, JORGE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2655 | 9 |
| DATE MAILED: 12/15/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/757,547 | SUZUKI, KENICHI |
| | Examiner | Art Unit |
| | Jorge L Ortiz-Criado | 2655 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-5 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradshaw et al. U.S. Patent 6,101,157.

Regarding claim 1, Bradshaw et al. discloses an optical disc apparatus (See Fig. 2) comprising:

an optical pickup for irradiating a light beam through a two-focus lens onto a signal recording surface of an optical disc including the signal recording surface where digital data is recorded to be optically readable, and for detecting reflection light thereof (See Figs.1,2);

drive control means for driving and controlling the two-focus lens in an optical axis direction of the light beam (See Fig. 2);

focus error center value measurement means for measuring a focus error center value detected by the optical pickup (See col. 6, lines 36-52; Fig. 2);

focus error signal generation means for generating a focus error signal subjected to balance-adjustment based on the reflection light and a variable coefficient Kf (See col. 2, lines 24 to col. 4, lines 1-41; col. 5, lines 64-67 to col. 6, lines 1-52; Fig.2); and

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focus balance control means for causing the drive control means to control a focus balance, based on the focus error center value measured by the focus error center value measurement means, and the focus error signal generated by the focus error signal generation means and subjected to the balance adjustment (See col. 2, lines 24 to col. 4, lines 1-41; col. 5, lines 64-67 to col. 6, lines 1-52; Fig.2).

Regarding claim 2, Bradshaw et al. discloses a focus bias voltage supply means for supplying the drive control means with a focus bias voltage; and focus bias control means for causing the focus bias voltage supply means to supply the drive control means with the focus bias voltage, thereby to cause the drive control means to control a focus bias (See col. 7, lines 13-19).

Regarding claim 3, Bradshaw et al. discloses wherein the two-focus lens forms two focus positions by one single objective lens, corresponding to a plurality of discs having respectively different disc substrate thickness (See col.1, lines 15-40; col. 11, lines 4-9; Fig. 1)

Regarding claim 4, Bradshaw et al. discloses wherein the focus error center value measurement means measures an error center value with the two-focus lens kept sufficiently distant from a just-focus position (See col. 6, lines 34-52; col. 8, lines 19-48; Figs. 1, 3, 4, 5A-5F)

Regarding claim 5, Bradshaw et al. discloses wherein a plurality of values including an initial value used as a reference are set and stored for the coefficient Kf (See col. 8, lines 18-35; Fig. 3-S8)

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. U.S. Patent 6,101,157.in view of Takeya et al. U.S. Patent No. 6,240,054.

Regarding claim 6, Bradshaw et al. discloses an optical disc apparatus (See Fig. 1,2) comprising:

an optical pickup for irradiating a light beam through a two-focus lens onto a signal recording surface of an optical disc including the signal recording surface where digital data is recorded to be optically readable, and for detecting reflection light thereof (See Fig. 1,2);
drive control means for driving and controlling the two-focus lens in a radial direction of the optical disc (See col. 6, lines 16-27);
tracking error signal generation means for generating a tracking error signal subjected to balance-adjustment based on the reflection light (See col. 6, lines 16-27)

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Bradshaw et al. fails to teach or suggest a tracking error center value measurement means for measuring a tracking error center value detected by the optical pickup, a balance-adjustment based on a variable coefficient Kt;

and tracking balance control means for causing the drive control means to control a tracking balance, based on the tracking error center value measured by the tracking error center value measurement means, and the tracking error signal generated by the tracking error signal generation means and subjected to the balance adjustment.

However this feature its well known in the art as evidenced by Takeya et al. which discloses a tracking error center value measurement means for measuring a tracking error center value detected by the optical pickup, a balance-adjustment based on a variable coefficient Kt; and tracking balance control means for causing the drive control means to control a tracking balance, based on the tracking error center value measured by the tracking error center value measurement means, and the tracking error signal generated by the tracking error signal generation means and subjected to the balance adjustment (See col. 39 –67 to col. 40, lines 16-45; Fig. 26)

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to include a tracking error center value measurement means for measuring a tracking error center value detected by the optical pickup, a balance-adjustment based on a variable coefficient Kt; and tracking balance control means for causing the drive control means to control a tracking balance, based on the tracking error center value measured by the tracking error center value measurement means, and the tracking error signal generated by the tracking error signal generation means and subjected to the balance adjustment in order to perform the focus control

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and the tracking control that are appropriate for a plurality of discs having respectively different substrate thickness such as DVD and CD, as teaches by Takeya et al.

Regarding claim 8, Bradshaw et al. further discloses wherein the two-focus lens forms two focus positions by one single objective lens, corresponding to a plurality of discs having respectively different disc substrate thickness (See col.1, lines 15-40; col. 11, lines 4-9; Fig. 1).

Regarding claim 9, The combination of Bradshaw et al. with Takeya et al. would show wherein the tracking error center value measurement means measures an error center value with the two-focus lens kept sufficiently distant from a just-focus position (See col. 39 –67 to col. 40, lines 16-45; Fig. 26,27).

Regarding clam 10, The combination of Bradshaw et al. with Takeya et al. would show wherein a plurality of values including an initial value used as a reference are set and stored for the coefficient Kt (See col. 39 –67 to col. 40, lines 16-45; Fig. 26,27).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. U.S. Patent 6,101,157.in view of Takeya et al. U.S. Patent No. 6,240,054 as applied to claim 6 above, and further in view of Tanaka et al. U.S. Patent No. 6,522,606.

Bradshaw et al. in combination with Takeya et al. fails to disclose a tracking bias voltage supply means for supplying the drive control means with a tracking bias voltage; and tracking

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bias control means for causing the tracking bias voltage supply means to supply the drive control means with the tracking bias voltage, thereby to cause the drive control means to control a tracking bias.

However this feature is well known in the art as evidenced by Tanaka et al., which discloses a tracking bias voltage supply means for supplying the drive control means with a tracking bias voltage; and tracking bias control means for causing the tracking bias voltage supply means to supply the drive control means with the tracking bias voltage, thereby to cause the drive control means to control a tracking bias (See Abstract; col. 3, lines 25-60) Fig. 3,4,9)

Therefor it would have been obvious to one ordinary skill in the art at the time of the invention to include discloses a tracking bias voltage supply means for supplying the drive control means with a tracking bias voltage; and tracking bias control means for causing the tracking bias voltage supply means to supply the drive control means with the tracking bias voltage, thereby to cause the drive control means to control a tracking bias in order to avoid reduce operation speed as teaches by Tanaka et al.

Response to Arguments

6. Applicant's arguments filed 09/22/2003 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claims 1, as anticipated by Bradshaw et al., response to rejection of claims 6 and 8-10 as unpatentable over Bradshaw et al. in view of

Takeya et al. and rejection of claim 7 as unpatentable over Bradshaw et al. in view of Takeya et al. and further in view of Tanaka et al.

Applicant argued that Bradshaw et al. fails to teach, "balance-adjustment".

The examiner cannot concur because Bradshaw et al. clearly specify a focus error signal generation means subjected to a balance-adjustment with a variable coefficient (GCc) applied to the variables gain amplifiers 36 and 37 for obtaining the optimum balanced converging position due to the balance-adjustment applied by the variable gain amplifiers 36 and 37 (See col. 5, lines 49-67 to col. 6, lines 1-52; Fig.2).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., balance-adjustment $FE=(A+C)-Kf^*(B+D)$, balance-adjust relative to each other) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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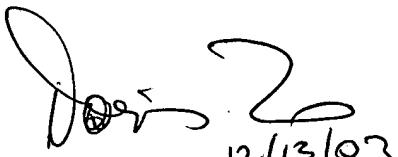
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc


DORIS H. TO
12/13/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600